

HOUSE BILL No. 1669

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-2-2.

Synopsis: Criminal trespass. Makes criminal trespass a Class D felony. (Current law classifies this crime as a Class A misdemeanor, except in some circumstances.)

Effective: July 1, 2003.

Cherry, Grubb

January 21, 2003, read first time and referred to Committee on Courts and Criminal Code.

C
o
p
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1669

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-43-2-2, AS AMENDED BY P.L.259-1999,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 2. (a) A person who:
4 (1) not having a contractual interest in the property, knowingly or
5 intentionally enters the real property of another person after
6 having been denied entry by the other person or that person's
7 agent;
8 (2) not having a contractual interest in the property, knowingly or
9 intentionally refuses to leave the real property of another person
10 after having been asked to leave by the other person or that
11 person's agent;
12 (3) accompanies another person in a vehicle, with knowledge that
13 the other person knowingly or intentionally is exerting
14 unauthorized control over the vehicle;
15 (4) knowingly or intentionally interferes with the possession or
16 use of the property of another person without the person's consent;
17 (5) not having a contractual interest in the property, knowingly or



C
o
p
y

intentionally enters the dwelling of another person without the person's consent; or

(6) knowingly or intentionally:

(A) travels by train without lawful authority or the railroad carrier's consent; and

(B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;

commits criminal trespass, a ~~Class A misdemeanor. However, the offense is a Class D felony. if it is committed on a scientific research facility, on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property.~~

(b) A person has been denied entry under ~~subdivision~~ **subsection (a)(1) of this section** when the person has been denied entry by means of:

(1) personal communication, oral or written; or

(2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

(c) Subsections (a) and (b) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

C
o
p
y



- 1 (v) independent contractor;
2 going on a railroad's right-of-way for the purpose of crossing at a
3 private crossing site approved by the railroad carrier to obtain
4 access to land that the person owns, leases, or operates.
5 (7) A person having written permission from the railroad carrier
6 to go on specified railroad property.
7 (8) A representative of the Indiana department of transportation
8 while engaged in the performance of official duties.
9 (9) A representative of the federal Railroad Administration while
10 engaged in the performance of official duties.
11 (10) A representative of the National Transportation Safety Board
12 while engaged in the performance of official duties.
13 SECTION 2. [EFFECTIVE JULY 1, 2003] **IC 35-43-2-2, as**
14 **amended by this act, applies only to offenses committed after June**
15 **30, 2003.**

C
o
p
y